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\*Admitted only in Virginia  
\*Practice Limited to  
Federal Agencies

February 7, 2008

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Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Art Unit 1614

Mail Stop Amendment

Re: U.S. Utility Patent Application  
Application No. 10/587,143; Filed: April 26, 2007  
For: **Powder Formulations**  
Inventors: REIZLEIN *et al.*  
Our Ref: 2400.0640000/VLC/L-Z

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Copy of the Notice of Non-Compliant Amendment (37 C.F.R. § 1.121); and
2. Corrected Preliminary Amendment Under 37 C.F.R. § 1.115.

The above-listed documents are filed electronically through EFS-Web.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents  
February 7, 2008  
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The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "V. L. Capuano".

Vincent L. Capuano  
Attorney for Applicants  
Registration No. 42,385

VLC/L-Z/shr  
Enclosures

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MAS  
Sterne, Kessler, Goldstein & Fox  
VLC 2/4 P.L.L.C.  
L-Z  
TC 2/4/08

Paper No.

Application No.:	10/587,143	Date Mailed:	01/29/2008
First Named Inventor:	Reizlein, Karl,	Examiner:	,
Attorney Docket No.:	2400.0640000/SRL	Art Unit:	1615
Confirmation No.:	4984	Filing Date:	04/26/2007

Please find attached an Office communication concerning this application or proceeding.

Reply due February 29, 2008

STAT BAR due July 29, 2008

DOCKETED

Commissioner for Patents

**Notice of Non-Compliant Amendment  
(37 CFR 1.121)**

**Application No.**  
10/587,143

**Applicant(s)**  
REIZLEIN ET AL.

**Art Unit**  
2800

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

The amendment document filed on 26 April, 2007 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

**THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:**

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: Claim 13 missing status identifier.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4): For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

**TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance, or a drawing submission (only). If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1 to 4 are checked, the correction required is only the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121.

**Extensions of time** are available under 37 CFR 1.136(a) **only** if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable /EVA GILLIS/

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